

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
NICOLE JOHNSON,)
Plaintiff,)
)
 v.) Civil Action No.
)
 THELMA B. JOHNSON, et al.,) 22-10466-NMG
Defendants.)
)
)

ORDER ON PLAINTIFF'S MOTION TO REOPEN

GORTON, J.

On September 8, 2022, plaintiff was advised that this action will be dismissed unless she files an amended complaint which cures the jurisdictional deficiencies of her original complaint and sets forth a plausible claim upon which relief may be granted. See Docket No. 4.

Plaintiff's amended complaint was due by October 6, 2022. Id. Plaintiff failed to file anything further in this action and the case was dismissed on October 20, 2022, for the reasons stated in the Court's September 8, 2022 Memorandum and Order, and for plaintiff's failure to file an amended complaint. See Docket Nos. 6, 7.

Four days after this case was dismissed, on October 24, 2022, Johnson filed her motion to reopen accompanied by an amended complaint. See Docket Nos. 8, 9. Plaintiff explains that because of a delay with her mail delivery, she "just

received the court's order 2 weeks ago." See Docket No. 9, p.

1. Plaintiff states that when filing her pleadings at the courthouse, she was informed that this case was closed. Id. at p. 2.

Johnson's amended complaint does not meaningfully address the legal impediments discussed in the Court's September 8, 2022 Memorandum and Order. From what can be gleaned from her handwritten statement of claim, she expounds on the same facts that were alleged in her original amended complaint. The pleading does not set forth the claims in accordance with the pleading requirements of the Federal Rules of Civil Procedure and fails to address the jurisdictional deficiencies of the original complaint.

As pled, it would be unfair to the defendants to permit this action to be reopened and proceed. As an additional matter, this Court considers that no further opportunities need be afforded to Johnson to file a Third Amended Complaint; indeed, it is clear that not only would it be an exercise in futility to do so, it also would impose an unnecessary drain on the judicial resources.

Based on the foregoing, it is hereby ORDERED:

1. Plaintiff's motion to reopen (Docket No. 9) is DENIED;
2. The prior dismissal of this case remains in effect; and

3. This case remains CLOSED on the Court's docket.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: October 26, 2022